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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

T.B., Allison Brenneise and Robert Brenneise, Plaintiffs, v. SAN DIEGO UNIFIED SCHOOL DISTRICT, Defendant.	Case No. 08 CV 0028 WHQ WMc (Consolidated with 08 CV 00039 WQH WMc) **SAN DIEGO UNIFIED SCHOOL DISTRICT'S NOTICE OF MOTION AND MOTION FOR CERTIFICATION TO THE NINTH CIRCUIT OF THE COURT'S ORDER DENYING ITS MOTION TO DISMISS PLAINTIFFS' FOURTH CLAIM FOR RELIEF** Date: August 18, 2008 Time: 9:00 a.m. Courtroom: 4 Judge: Hon. William Q. Hayes Trial: None Set
SAN DIEGO UNIFIED SCHOOL DISTRICT, Plaintiff, v. T.B., a minor, Allison Brenneise and Robert Brenneise, his parents, Steven Wyner, and Wyner and Tiffany, Defendants.	Complaint Filed: January 4, 2008 **NO ORAL ARGUMENT UNLESS REQUESTED BY COURT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 18, 2008 at 9:00 a.m. or as soon thereafter as this matter may be heard by the above entitled Court, located at 940 Front Street, San Diego, California 92101, defendant SAN DIEGO UNIFIED SCHOOL DISTRICT will move this Court for an order granting it permission to take an interlocutory appeal of the Court's order denying defendant's motion to dismiss plaintiffs' Fourth Claim for Relief for attorneys' fees in connection with a CDE compliance complaint contained in plaintiffs' Amended Complaint. This motion is made pursuant to 20 U.S.C. section 1292(b) on the grounds that the issue sought to be certified involves a controlling question of law as to which there is substantial grounds for difference of opinion, and an immediate appeal from the order may materially advance the ultimate termination of this litigation.

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities, Declarations and Appendix of Foreign Authorities in support thereof, and the pleadings and papers on file herein, and such further documentary or oral evidence and argument as may be presented.

DATED: July 11, 2008

MILLER BROWN & DANNIS

By: s/ Amy R. Levine
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